

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
1106 Morris Avenue, HDPC,
Plaintiff,

048726

INDEX NO.
FILE NO. 13853.0

-against-

Melissa Williams-Wailes,

Defendant(s)

SUMMONS
Place of Venue is Plaintiff's
place of business:

1106 Morris Avenue
Bronx, NY 10456

-----X
To the above named defendants(s):

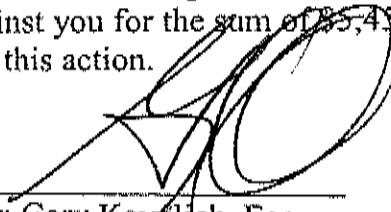
YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the clerk of the said Court at 851 Grand Concourse, Bronx, NY 10451, in the COUNTY OF BRONX, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$5,457.31 with interest thereon from April 1, 2005 together with costs of this action.

DATED: July 1, 2011

FEE PAID

JUL 14 2011

**CIVIL COURT
BRONX COUNTY**


By: Gary Kavulich, Esq.,
Kavulich & Associates, P.C.
Attorney for Plaintiff
181 Westchester Avenue
Suite 500C
Port Chester, NY 10573
(914) 355-2074

Defendant's Address:
Melissa Williams-Wailes
1570 Webster Avenue, Apt. 3C
Bronx, NY 10457-8056

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$4,957.31 representing rental arrears for the months of April, 2005 balance of \$683.11; May, 2005 through and including September, 2005 at the agreed monthly sum of \$854.84 for the premises known as 1106 Morris Avenue, Apt.4G Bronx, NY 10456 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

SECOND ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

THIRD ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

WHEREFORE, Plaintiff demands judgment (A) on the First Action, in the sum of \$4,957.31 plus interest from April 1, 2005 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (B) on the Second Action, in the sum of \$0.00 plus interest from April 1, 2005 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
 COUNTY OF BRONX
 Attorneys: Kavulich & Associates, P.C.
 Address: 181 Westchester Avenue, Ste 500 C, Port Chester, NY 10753

INDEX: 48726 11
 Filed: 13853-0

1106 Morris Ave Hdfc

-VS-

Melissa Williams Wailes

STATE OF NEW YORK COUNTY: BRONX

DANIEL L. RODRIGUEZ being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On

At: 1570 Webster Ave Bklyn 10457 4/21/2012 at 11:15am.

Served the within Summons and Complaint: #3C

On: Melissa Williams Wailes Defendant therein named.

Individual

[]

By delivering a true copy of each to said recipient: deponent knew the person served to be the person described as said person therein.

Corporation

[]

By delivering to and leaving with _____ and that deponent knew the person so served and authorized to accept service on behalf of the Corporation.

Suitable Age

Person

[]

By delivering a true copy of each to a person of suitable age and discretion said premises is recipients [] actual place of business [] dwelling house within the state.

Affixing
to door

By affixing a true copy of each to the door of said premises, which is recipients [] actual place of business [] dwelling house (place of abode) within the state

Mail copy

On 4/23/2012 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1st Class Properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion

having called thereat:

ON 4-19 AT 8:16 am M
 ON 4-20 AT 10:30 am M
 ON 4-21 AT 11:15 am M

Description: Defendant, or other person served on behalf of the Defendant:

SEX: _____ Color of Skin _____ Color of Hair _____ Age _____ Height _____ Weight _____

Military Service: Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore clothes and no military uniform.

Other:

[]

"Jane Doe" neighbor stated that the Defendant is not military.

Sworn to before me on this

23 day of April 2012

[Signature]

FRANK G. BUGLIONE
 Notary Public, State of New York
 No. 02BU5071950
 Qualified in Westchester County
 Commission Expires 2016

D&R
 DANIEL L. RODRIGUEZ
 License #: 1328710

Bronx County Civil Court
Civil JudgmentPlaintiff(s):
1106 Morris Avenue, HDFC

Index Number: CV-048726-11/BX

vs.

Judgment issued: On Default

On Motion of:

Defendant(s):
Melissa Williams-WailesKavulich & Associates PC
181 Westchester Avenue, Suite 500C, Port
Chester, NY 10573-

Amount claimed	\$2,564.52	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 07/01/2005 at 9%	\$1,606.80	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$20.00	Jury Demand Fee	\$0.00		
Total Damages	\$4,171.32	Total Costs & Disbursements	\$130.00	Judgment Total	\$4,301.32

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) 1106 Morris Avenue, HDFC
1106 Morris Avenue, Bronx, NY 10456-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) Melissa Williams-Wailes
1570 Webster Avenue, Apt. 3C, Bronx, NY 10457-Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK
in the total amount of \$4,301.32 on 06/15/2012 at 12:33 PM.

Judgment sequence 1

Carol Alt

Carol Alt, Chief Clerk Civil Court

FILED
CLERK'S OFFICE
 JUN 15 2012
CIVIL COURT
BRONX COUNTY

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

1106 Morris Avenue, HDPC,

PLAINTIFF(S)

-AGAINST-

Melissa Williams-Wailes

DEFENDANT(S)

INDEX NO. 48726/11

FILE NO. 13853.0
JUDGMENT

1106 Morris Avenue
Bronx, NY 10456

AMOUNT CLAIMED LESS PMTS ON ACCT.
INTEREST FROM 7/1/2005

\$2,564.52
\$1,577.18
\$4,141.70

COSTS BY STATUTE
SERVICE OF SUMMONS AND COMPLAINT
FILING OF SUMMONS AND COMPLAINT
PROSPECTIVE MARSHALL'S FEE
NOTICE OF INQUEST
TRANSCRIPT & DOCKETING

\$20.00
\$25.00
\$45.00
\$40.00
\$0.00
\$0.00
\$130.00
TOTAL \$4,271.70

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER, THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY
6/8/2012

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
181 WESTCHESTER AVENUE, SUITE 500C
PORT CHESTER, NY 10573

JUDGMENT ENTERED ON
SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)
HEREIN HAVING BEEN COMPLETED ON 6/6/2012 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY SUBSTITUED SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT

1106 Morris Avenue, HDPC
RESIDING AT: 1106 Morris Avenue Bronx, NY 10456

RECOVER OF Melissa Williams-Wailes

RESIDING AT: 1570 Webster Avenue Apt. 3C Bronx, NY 10457-8056

THE SUM OF \$2,564.52 WITH INTEREST OF \$1,577.18 MAKING A TOTAL OF \$4,141.70 TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$4,271.70 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

CLERK

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX
Attorneys: Kavulich & Associates, P.C.
Address: 181 Westchester Avenue, Ste 500 C, Port Chester, NY 10753

INDEX: 48726 11
Filed: 13853.0

1106 Morris Ave H of C -VS- Melissa Williams Warkles
STATE OF NEW YORK COUNTY: Bronx
DANIEL L RODRIGUEZ being duly sworn deposes and says:
Deponent is not a party herein, is over 18 years of age. On 4/21/2012 at 11:15am
At: 1570 Webster Ave Bklyn 10459
Served the within Summons and Complaint: #3C
On: Melissa Williams Warkles Defendant therein named.

Individual ☐ By delivering a true copy of each to said recipient: deponent knew the person served to be the person described as said person therein.
Corporation ☐ By delivering to and leaving with _____ and that deponent knew the person so served and authorized to accept service on behalf of the Corporation.
Suitable Age Person ☐ By delivering a true copy of each to a person of suitable age and discretion said premises is recipients ☐ actual place of business ☐ dwelling house within the state.
Affixing to door ☒ By affixing a true copy of each to the door of said premises, which is recipients ☐ actual place of business ☒ dwelling house (place of abode) within the state
May copy ☒ On 4/23/2012 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1st Class Properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

2012 APR 27 Fri 11:04

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

ON 4-19 AT 8:16 am
ON 4-20 AT 10:30 am
ON 4-21 AT 11:15 am

Description: Defendant, or other person served on behalf of the Defendant:

SEX: _____ Color of Skin _____ Color of Hair _____ Age _____ Height _____ Weight _____

Military Service: Deponent asked person spoken to whether the recipient was presently in military service of the United States Government ☐ or of the State of New York and was informed that the recipient is not. Recipient wore clothes and no military uniform.

Other: ☐ "Jane Doe" neighbor stated that the Defendant is not military.

Sworn to before me on this 23 day of April 2012

[Signature]

FRANK G. BUGLIONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County, NY
Commission Expires 12/15

[Signature]
DANIEL L. RODRIGUEZ
License #: 1328710

CIVIL COURT OF THE DISTRICT COURT
COUNTY OF BRONX

1106 Morris Avenue, HDFC.

PLAINTIFF(S)

AGAINST

Melissa Williams-Wailes

DEFENDANT(S)

AFFIDAVIT OF FACTS
CONSTITUTING THE CLAIM
THE DEFAULT AND THE
AMOUNT DUE

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PERJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

July, 2005 \$854.84

August, 2005 \$854.84

September, 2005 \$854.84

AT THE AGREED MONTHLY RENTAL OF \$854.84

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE CITY OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED. THE CAUSE OF ACTION IN THE WITHIN MATTER ACCRUED IN THE STATE OF NEW YORK WHERE THE STATUTE OF LIMITATIONS ON A CONTRACT, UPON WHICH THE ACTION IS BASED, IS SIX(6) YEARS. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$2,864.52 WITH INTEREST FROM 7/1/2005 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
181 WESTCHESTER AVENUE, SUITE 500C
PORT CHESTER, NY 10573

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COUNT ON

DATED: WESTCHESTER, NY
6/8/2012

YOURS, ETC.,
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF SS:
BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

1106 Morris Avenue, HDFC.

INDEX NO. 48726/11

PLAINTIFF(S)

-AGAINST-

Melissa Williams-Wailes

AFFIRMATION OF
MAILING OF ADDITIONAL
NOTICE OF SUIT

DEFENDANT(S)

GARY KAVULICH, ESQ., HEREBY AFFIRMS THE FOLLOWING UNDER THE PENALTY OF PERJURY.

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.

2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.

3. ON 5/3/2012, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE(S) IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE(S), PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE(S) BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE(S) THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

☒ LAST KNOWN ADDRESS AT: Melissa Williams-Wailes: 1570 Webster Avenue Apt. 3C Bronx, NY 10457-8056

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

☒ THE AFOREMENTIONED MAILING:

☒ HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RE-SENT TO THE DEFENDANT AT:

GARY KAVULICH, ESQ.

COUNTY OF BRONX

INDEX NO:
FILE NO: 13853.0

1106 Morris Avenue, HDFC, PLAINTIFF,

-AGAINST-

AFFIRMATION OF FACTS
CONSTITUTING THE
AMOUNT DUE

Melissa Williams-Wailes, DEFENDANT(S)

X

Tara Grekulak

hereby deposes and says under the penalties of perjury, ss:
That deponent is the managing agent of 1106 Morris Avenue, HDFC, Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$2564.52 for the months July, 2005 through and including September, 2005 at the agreed monthly rental amount of \$854.84 per month (after application of security and after application of payments) no part having been paid, although duly demanded and Damages in the amount of \$0.00. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the City of New York. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

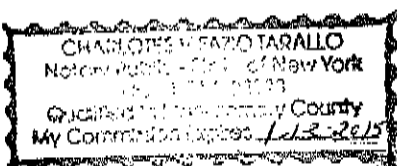
WHEREFORE, Plaintiff demands judgment against defendant for \$2564.52 with interest from July 1, 2005 together with costs and disbursements of the action.

Dated: 7/1/2011

Sworn to before me
on this 1st day of July 2011

Charlotte V. Fazio - Tarallo
Notary Public

Tara Grekulak
Tara Grekulak



CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
1106 Morris Avenue, HDFC,

Index No. 48726/11
File No. 13853.0

Plaintiff,

-against-

**AFFIDAVIT OF
INVESTIGATOR**

Melissa Williams-Wailes

9316

Defendant(s).

-----X

STATE OF NEW YORK)

)

SS.: 9316

COUNTY OF WESTCHESTER)

I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant(s) Melissa Williams-Wailes is at the present time in military service for the purpose of entry of judgment.

On June 8, 2012, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Melissa Williams-Wailes military status.

I inputted the Defendant's name and social security number, as provided by the Defendant him/herself, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).


Denise Miranda

Sworn to before me this
8 Day of June 2012


Notary Public

GARY KAVULICH
NOTARY PUBLIC-STATE OF NEW YORK
NO:02KA6205615
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 05/11/2013

Department of Defense Manpower Data Center

Results as of: Jun-08-2012 11:57:56

SCRA 2.2.1



Status Report

Pursuant to Servicemembers Civil Relief Act

Last Name: WILLIAMS-WAILES First Name: MELISSAActive Duty Status As Of: Jun-08-2012

Active Duty Start Date	Active Duty End Date	Status	Service Component
On Active Duty On Active Duty Status Date			
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snively-Dixon

Mary M. Snively-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350

The Defense Enrollment Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq. as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pls/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Report ID: HRTMD4TN4R

Civil Court of the City of New York
County of Bronx Part 39

1106 Morris Avenue, HDPC
-against-
Melissa Williams-Wailes

401 timely picked up 1st CTSC
Appearances are Mandatory

Index Number: CV-048726-11/BX



ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Melissa Williams-Wailes, sworn to on March 11, 2013, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court
851 Grand Concourse
Bronx, NY 10451

Part 34 Room 503

on March 27, 2013 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just..

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

☐ by Personal Service by "In Hand Delivery"
☒ by Certified Mail, Return Receipt Requested
☐ by First Class Mail with official Post Office
Certificate of Mailing

☐ by Personal Service by "In Hand Delivery"
☐ by Certified Mail, Return Receipt Requested
☐ by First Class Mail with official Post Office
Certificate of Mailing

on or before 3/15/13, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney :
Kavulich & Associates PC
(Counsel for Plt),
at 181 Westchester Avenue, Suite 500C,
Port Chester, NY 10573

Sheriff/Marshal:

March 11, 2013

DATE

Hon. Jose A. Padilla, Civil Court Judge, Acting JSC (NYC)

IMPHAM
3-27-13
HON. JOSE A. PADILLA, JR.

3/27

City of the City of New York
City of Bronx

Index No: CV-048726-11/BX



1106 Morris Avenue, HDFO
-against-
Melissa Williams-Wailes

**PROPOSED ANSWER IN
WRITING**

ACTION FOR MONEY ONLY

Defendant, Melissa Williams-Wailes, at 1570 Webster Avenue, Apt. 3C, Bronx, NY 10457 answers the Complaint as follows:

Check all that apply)

1 ☐ General Denial: I deny the allegations in the complaint

SERVICE

2 ☒ I did not receive a copy of the summons and complaint

3 ☐ I received the Summons and Complaint, but service was not correct as required by law.

DEFENSES

4 ☒ I do not owe this debt

5 ☐ I did not incur this debt. I am the victim of identity theft or mistaken identity.

6 ☐ I have paid all or part of the alleged debt.

7 ☐ I dispute the amount of the debt.

8 ☐ I do not have a business relationship with Plaintiff. (Plaintiff lacks standing.)

9 ☐ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect a debt.

10 ☐ Plaintiff does not allege a debt collection license number in the Complaint.

11 ☐ Statute of Limitations (the time has passed to sue on this debt: more than six years.)

12 ☐ The debt has been discharged in bankruptcy.

13 ☐ The collateral (property) was not sold at a commercially reasonable price.

14 ☐ Unjust enrichment (the amount demanded is excessive compared with the original debt.)

15 ☐ Violation of the duty of good faith and fair dealing.

16 ☒ Unconscionability (the contract is unfair.)

17 ☒ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)

18 ☐ Defendant is in the military.

19 ☐ Other: _____

OTHER

20 ☐ Please take notice that my only source of income is _____, which is exempt from collection.

COUNTERCLAIM

21 ☐ Counterclaim(s):\$ _____ Reason: _____

VERIFICATION-

State of New York, County of Bronx ss:

Melissa Williams-Wailes, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Writing Consumer Credit Transaction and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true

Sworn to before me this 20 day of MAR 11 2013
Notary Public/Court Emp/Sec and Title COURT REV/ASST.

Defendant

Appearances are Mandatory

Civil Court of the City of New York
County of Bronx Part 39

34

(8)

Index Number: CV-048726-11/BX



1106 Morris Avenue, HDFC
-against-
Melissa Williams-Wailes

ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any
judgment, liens and income executions on this
pendant on this Index number,
allow proposed answer or dismissing the action

2013 MAR 26 PM 3: 38

UPON the annexed affidavit of Melissa Williams-Wailes, sworn to on March 25, 2013, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court

851 Grand Concourse

Bronx, NY 10451

Part 34

Room 503

on APRIL 4, 2013 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

by Personal Service by "In Hand Delivery"

by Certified Mail, Return Receipt Requested

by First Class Mail with official Post Office

Certificate of Mailing

by Personal Service by "In Hand Delivery"

by Certified Mail, Return Receipt Requested

by First Class Mail with official Post Office

Certificate of Mailing

on or before MARCH 27, 2013, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney:

Kavulich & Associates PC

(Counsel for Plaintiff)

at 181 Westchester Avenue

Suite 500C,

Port Chester, NY 10573

Sheriff/Marshal:

March 25, 2013

DATE

Donald A. Miles
Clerk's Office, Clerk's Office
DONALD A. MILES
JUDGE, CIVIL COURT

Court of the City of New York, County of Bronx
 106 Morris Avenue, HDFC
 -against-
 Melissa Williams-Wailes

Index # CV-048726-11/BX

Affidavit in support of an order to show cause to
 restore case to the calendar, vacate any judgment,
 liens and income executions on this defendant on
 this Index number,
 allow proposed answer or dismissing the action

State of New York, County of New York:

Melissa Williams-Wailes, being duly sworn, deposes and says:
 (Defendant's initials)

1. MA I am the Party named as (Defendant)(Respondent) in the above titled action

2. MA a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]

MA b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b,
 skip #3, #4, #5, and go to #6]

MA a Notice of Default Judgment mailed to me

MA a Restraining Notice on my bank account.

MA a copy of an Income Execution served on _____

Other: _____

3. a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office

and I received a date for trial.

but the answer was entered late

Other: _____

4. On the Date of Trial before Judge/Arbitrator

a stipulation(a written agreement) was made between claimant/plaintiff and defendant.

a judgment was entered after the trial.

a judgment was entered against me by default for my failure to appear.

Other: _____

5. My reason for not

complying with the stipulation is _____

following the order of the Court is _____

appearing in court on the date scheduled for trial is _____

Other: _____

6. MA I allege that I have a good defense because: I had section 8 and the apartment failed

inspection. I was never giving my security deposit back. My share was

paid.

a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application

because: I didn't know I had only two days to p/u the paper

work and I live out of state

8. MA I request that the Judgment be vacated, that the case be restored to the calendar and that the answer be deemed
 timely filed.

Sworn to before me this day March 25, 2013

Signature of Court Employee and Title

COURT
 REV. ASSIST.

(Sign Name)

Melissa Williams-Wailes

1570 Webster Avenue

Apt. 3C

Bronx, NY 10457

Court of the City of New York
County of Bronx

Index No: CV-048726-11/BX



1106 Morris Avenue, HDEC
-against-
Melissa Williams-Wailes

~~Proposed~~ ANSWER IN WRITING

ACTION FOR MONEY ONLY

Defendant, Melissa Williams-Wailes, at 1570 Webster Avenue, Apt. 3C, Bronx, NY 10457 answers the Complaint as follows:

Check all that apply)

1 ☒ General Denial: I deny the allegations in the complaint**SERVICE**2 ☒ I did not receive a copy of the summons and complaint3 ☐ I received the Summons and Complaint, but service was not correct as required by law**DEFENSES**4 ☒ I do not owe this debt5 ☐ I did not incur this debt. I am the victim of identity theft or mistaken identity.6 ☐ I have paid all or part of the alleged debt.7 ☐ I dispute the amount of the debt.8 ☐ I do not have a business relationship with Plaintiff. (Plaintiff lacks standing.)9 ☐ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect a debt.10 ☐ Plaintiff does not allege a debt collection license number in the Complaint.11 ☐ Statute of Limitations (the time has passed to sue on this debt: more than six years.)12 ☐ The debt has been discharged in bankruptcy.13 ☐ The collateral (property) was not sold at a commercially reasonable price.14 ☐ Unjust enrichment (the amount demanded is excessive compared with the original debt.)15 ☐ Violation of the duty of good faith and fair dealing.16 ☐ Unconscionability (the contract is unfair.)17 ☒ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)18 ☐ Defendant is in the military.19 ☐ Other: _____**OTHER**20 ☐ Please take notice that my only source of income is _____, which is exempt from collection.**COUNTERCLAIM**21 ☐ Counterclaim(s):\$ _____ Reason: _____**VERIFICATION-**

State of New York, County of Bronx ss:

Melissa Williams-Wailes, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Writing/Consumer Credit Transaction and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true

Sworn to before me this MAR 26 day of 2013Notary Public/Court Employee and Title C. COURT REV. ASSIST.

Defendant

Civil Court of the City of New York

County of _____

Part _____

Index Number

Motion Cal. # _____

Motion Seq. # _____

CV-048726-11/Bx

1106 Morris Avenue, H/DFC

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Mollie Williams-Walker

Defendant(s)/Respondent(s)

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed....	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to

Vacate judgment

and issue execution is granted,

is as follows:

Respondent has an excuse for her default and
 maintains defense to this action.

Judgment and execution are vacated.

Partial summary is deemed accepted.

Adj. to 5-1-2013 for transcribe the trial.

RM 528-A

4-4-2013

Date



Judge, Civil Court

HON. DAVID B. COHEN

Civil Court of the City of New York
County of Bronx

Index No: CV-048726-11/BX



1106 Morris Avenue, HDFC

Plaintiff(s)

-against-

Melissa Williams-Wailes

Defendant(s)

REPORT OF A TRAVERSE HEARING

To: New York City Department of Consumer Affairs
Attn: Legal Division
42 Broadway, 9th Floor
New York, NY 10004

From: Hon. Donald A. Miles
Civil Court, City of New York
County of Bronx

A traverse hearing was held before me in Part 39 on 5-1-13

on the sufficiency of service on index number CV-048726-11/BX.

The name of the process server is Daniel Rodriguez

The license of the process server is 1328710

Traverse was: ☒ Sustained (Service was improper)

☐ Overruled (Service was proper)

Comments: (was based on default of plaintiff/ plaintiff process server) other Plaintiff's process
server failed to appear. Plaintiff's counsel said
that prior to server's appearance was revoked.
See copy of the decision attached

Date: 5-1-13

Civ GP 30 (Dec 2005)



D.A.M.
Judge, Civil Court
DONALD A. MILES
JUDGE, CIVIL COURT

Civil Court of the City of New York
County of Bronx

Index No: CV-048726-11/BX



1106 Morris Avenue, HDPC

Plaintiff(s)

-against-

Melissa Williams-Wailes

Defendant(s)

REPORT OF A TRAVERSE
HEARING

To: New York City Department of Consumer Affairs
Attn: Legal Division
42 Broadway, 9th Floor
New York, NY 10004

From: Hon. Donald A. Miles
Civil Court, City of New York
County of Bronx

A traverse hearing was held before me in Part 39 on 5-1-13
on the sufficiency of service on index number CV-048726-11/BX.

The name of the process server is Daniel Rodriguez

The license of the process server is 1328710

Traverse was: ☒ Sustained (Service was improper)
☐ Overruled (Service was proper)

Comments: (was based on default of plaintiff/ plaintiff process server) other Plaintiff's process
server failed to appear. Plaintiff's counsel is
that process server's appearance was not proper.
See copy of the decision attached

Date: 5-1-13



D.A.M.
Judge, Civil Court
DONALD A. MILES
JUDGE, CIVIL COURT

Civ GP 30 (Dec 2005)

Court of the City of New York, County of Bronx
 1106 Morris Avenue, HDPC
 -against-
 Melissa Williams-Wailes

Index # CV-048726-11/BX

Affidavit in support of an order to show cause to
 restore case to the calendar, vacate any judgment,
 liens and income executions on this defendant on
 this Index number,
 allow proposed answer or dismissing the action

State of New York, County of New York:

Melissa Williams-Wailes, being duly sworn, deposes and says:

(Defendant's initials)

1. x 1 a) I am the Party named as (Defendant) (Respondent) in the above titled action

2. 1 a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]

x b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b,
 skip #3, #4, #5, and go to #6]

1 a Notice of Default Judgment mailed to me

1 a Restraining Notice on my bank account.

1 a copy of an Income Execution served on

Other: _____

3. 1 a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office

_____ and I received a date for trial.

_____ but the answer was entered late

Other: _____

4. On the Date of Trial before Judge/Arbitrator

_____ a stipulation (a written agreement) was made between claimant/plaintiff and defendant.

_____ a judgment was entered after the trial.

_____ a judgment was entered against me by default for my failure to appear.

Other: _____

5. My reason for not

_____ complying with the stipulation is _____

_____ following the order of the Court is _____

_____ appearing in court on the date scheduled for trial is _____

Other: _____

6. 1 1 I allege that I have a good defense because: I was receiving Section 8 and the apartment failed inspection my portion was paid.

7. x 1 a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application
 because: _____

8. 1 1 I request that the Judgment be vacated, that the case be restored to the calendar and that the answer be deemed
 timely filed.

Sworn to before me this day March 11, 2013

Signature of Court Employee and Title

COURT
 REV. ASSIST.

(Sign Name)

Melissa Williams-Wailes

1570 Webster Avenue

Apt. 3C

Bronx, NY 10457

Civil Court of the City of New York
County of BRONX
Part

Index Number CV-048726-11
Motion Cal. # _____ Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Claimant(s)/Plaintiff(s)/Petitioner(s)
against

1106 Morris Ave., HDEC
14-1, 554 W. 111th St - W. 145
Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

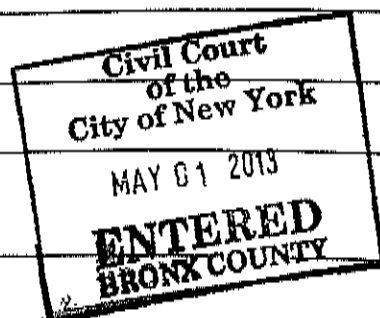
is as follows:

Defendant timely appeared, but plaintiff's process server failed to appear. Consequently, defendant's travel schedule is interrupted and the plaintiff's case is hereby dismissed.

This constitutes the Decision and Order of the Court.

ANY AND ALL liens, executions, attachments, garnishments or other remedies are hereby vacated.

5-1-13
Date



D. A. Miles
Judge, Civil Court

DONALD A. MILES
JUDGE, CIVIL COURT

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